



28 JUN 2002

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In re Application of	:	DECISION ON
ISHIYAMA et al.	:	PAPERS UNDER 37 CFR 1.42
Application No.: 09/913,722	:	
PCT No.: PCT/US00/04001	:	
Int. Filing Date: 17 February 2000	:	
Priority Date: 18 February 1999	:	
Attorney Docket No.: 2554-9	:	
For: NOVEL AMIDE DERIVATIVES AS	:	
GROWTH HORMONE	:	

This is a response to "Renewed Submission under 37 CFR 1.42" filed 12 March 2002.
No petition fee is required.

BACKGROUND

On 17 February 2000, applicants filed international application PCT/US00/04001, which claimed a priority date of 18 February 1999. A proper Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire on 18 August 2001.

On 17 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee and a preliminary amendment.

On 15 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 17 December 2001, applicant filed "Submission of Proof of Legal Representative under 37 CFR 1.42" which included a declaration and power of attorney executed by nine joint inventors and Linda Joyce Maki on behalf of deceased inventor Gilda H. Loew.

In a decision dated 31 January 2002, applicant's request under 37 CFR 1.42 was dismissed because the declaration and power of attorney was not in compliance with 37 CFR 1.497.

On 12 March 2002, applicant filed the present request and declaration and power of attorney.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 12 March 2002 is executed by Linda J. Maki as the "legal representative" of the deceased inventor, Gilda H. Loew. The declaration submitted on 12 March 2002 appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration provided sets forth only the information (citizenship, residence, and mailing address) for the legal representative. Since the previously submitted declaration included the information (citizenship, residence, and mailing address) for the deceased inventor, the present declaration taken in combination with the previously submitted declaration fulfills the requirements of 37 CFR 1.497.

Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 05 March 2001.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 17 February 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **12 March 2002**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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